

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No. 5:22-cv-0068-BO

YOLANDA IRVING, individually and as the
natural parent and guardian of J.I., JUWAN
HARRINGTON, CYDNEEA
HARRINGTON, KENYA WALTON
individually and as the natural parent and
guardian of R.W., ZIYEL WHITLEY,
DYAMOND WHITLEY, KAMISHA
WHITLEY, NANETTA GRANT as the natural
parent and guardian of Z.G., and
EMANCIPATE NC, INC.,

Plaintiffs,

v.

THE CITY OF RALEIGH, Officer OMAR I.
ABDULLAH, Sergeant WILLIAM ROLFE,
Officer RISHAR PIERRE MONROE, Officer
JULIEN DAVID RATTELADE, and Officer
MEGHAN CAROLINE GAY, Officer DAVID
MEAD, Officer JESUS ORTIZ, Officer KYLE
PERRIN, Officer MICHEAL MOLLERE,
Officer KYLE THOMPSON, Officer
VINCENT DEBONIS, Officer DANIEL
TWIDDY, Officer THOMAS WEBB, Officer
DAVID MCDONALD, Officer DAVID
GARNER, Chief of Police ESTELLA
PATTERSON and City Manager MARCHELL
ADAMS-DAVID, in their official capacities.

Defendants.

**PLAINTIFFS' MOTION TO FILE MANUAL EXHIBITS NOT CAPABLE OF
BEING FILED ELECTRONICALLY PURSUANT TO LOCAL RULE 5.1(f)**

NOW COME Plaintiffs, by and through undersigned counsel and hereby respectfully move the Court to file Exhibit B of their Motion to Strike, manually since it is too large to be filed electronically as required by L.R. 5.1. In support of this motion, Plaintiffs state the following:

1. On October 18, 2022, SEU Defendants filed a motion to dismiss Claim 8 (excessive force) pursuant to Federal Rule of Civil Procedure 12(b)(6). ECF No. 129.
2. Plaintiffs filed a response to Defendants' motion to dismiss on November 22, 2022. ECF No. 142.
3. Defendants filed their reply brief on December 6, 2022. ECF No. 145.
4. Defendants' reply brief included deposition testimony from one Plaintiff, Yolanda Irving. *Id.*
5. Because Defendants' motion challenges the substantive claims of Plaintiffs pursuant to 12(b)(6), Plaintiffs filed a motion to strike the deposition testimony.
6. Plaintiffs' brief in support of their motion to strike includes Exhibit A, which discusses some of the excessive force allegations against Defendants and Exhibit B, which is the body camera footage of the warrant execution on Plaintiffs' homes.
7. These exhibits contain still shots and live video footage that was obtained pursuant to a protective order in Wake County Superior Court.
8. The live video footage on Exhibit B is too large to be filed electronically via L.R. 5.1 and the ECF system.

9. Plaintiffs intend on filing Exhibit B manually and will serve a copy upon the Defendants.

WHEREFORE, Plaintiffs respectfully request that this Court (1) enter an order permitting Plaintiffs to file manually file Exhibit B of their Motion to Strike because it is too large to file electronically.

This the 24th day of February 2023

Respectfully,



Nichad Davis (N.C. Bar # 56297)
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Served on all parties: Via mail and electronical mail.